ORDINANCE NO. ____
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
CALLING A SPECIAL ELECTION AND ORDERING THE
SUBMISSION OF A PROPOSITION INCURRING BONDED
DEBT FOR THE PURPOSE OF CONSTRUCTION AND
COMPLETION OF A NEW MITCHELL PARK LIBRARY AND
COMMUNITY CENTER, RENOVATION AND EXPANSION OF
MAIN LIBRARY, AND RENOVATIONS TO DOWNTOWN
LIBRARY TO THE QUALIFIED VOTERS OF THE CITY OF
PALO ALTO AT THE SPECIAL MUNICIPAL ELECTION TO BE
HELD ON NOVEMBER 4, 2008

WHEREAS, use of the Palo Alto libraries has increased; in fiscal year 2007-2008
circulation in Palo Alto libraries increased 8% over the prior year, and users checked out over 1.5
million books, periodicals, DVDs, and other materials; and

WHEREAS, in a 2007 report, the City Auditor determined that Palo Alto libraries
are in the poorest condition when compared to libraries in ten surrounding communities; and

WHEREAS, the Auditor’s report specifically noted that Palo Alto’s libraries were
overcrowded, had poor lighting and inadequate meeting spaces; and

WHEREAS, Palo Alto libraries are cramped, have poor lighting, and have no room
for expansion of collections or group study and quiet reading areas; and

WHEREAS, Mitchell Park Library was built more than fifty years ago; over the past
twenty years circulation has tripled and it currently receives more than one thousand
visitors per day; and

WHEREAS, Mitchell Park Library has the highest circulation of all libraries in Palo
Alto, but it is too small and outdated to serve the population that uses it today; and

WHEREAS, many residents in our community, especially children and seniors, rely
on Palo Alto libraries; and

WHEREAS, some of the heaviest use occurs after school when children from the
neighborhood schools gather to do homework, research and work on group projects; at these
times, the libraries can be overcrowded and noisy, making it challenging for others to
comfortably use the library, study, or access services; and

WHEREAS, Mitchell Park, Main and Downtown libraries have poor ventilation and
lack air conditioning; and

WHEREAS, Mitchell Park, Main and Downtown libraries are too small to
accommodate growth in library collections, which residents have identified as a priority for City
libraries; and
WHEREAS, under the conditions described above, our libraries cannot fully offer the services and resources our Palo Alto residents deserve; and

WHEREAS, it is critical that the City provide libraries and community centers that afford earthquake safety by construction to modern seismic standards; and

WHEREAS, the City needs to ensure and enhance disabled access at its public libraries and community centers; and

WHEREAS, libraries are an important community asset because they provide more than just books—they are a place for residents to learn and to gather and they enrich the culture of our City; and

WHEREAS, on July 21, 2008, this City Council adopted, by a two-thirds vote of all the members of the Council, a Resolution entitled "A Resolution of the Council of the City of Palo Alto Determining That the Public Interest and Necessity Demand the Construction and Completion of a New Mitchell Park Library and Community Center and the Renovation of Main and Downtown Libraries and their Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the costs of constructing the new Mitchell Park library and community center and renovating and improving Main and Downtown libraries, it is necessary for this Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election; and

WHEREAS, a Special Municipal Election for the City is to be held on Tuesday, November 4, 2008; and

WHEREAS, the City Council desires to submit to the voters at the election the proposition of incurring bonded indebtedness as hereinafter set forth.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALO ALTO, CALIFORNIA, does ordain as follows:

SECTION 1. Ballot Proposition. That the following question shall be submitted to the voters of the City at the Special Municipal Election to be held on November 4, 2008:

"LIBRARY FACILITY, COLLECTIONS, SAFETY IMPROVEMENT BOND. To ensure seismic safety, enhance disabled access, provide additional space to expand library collections, add new children's and group activity areas, replace outdated lighting, and provide proper ventilation and air conditioning systems, shall the City of Palo Alto issue bonds up to $76,000,000 to construct a new energy-efficient Mitchell Park Library and Community Center, expand and renovate Main Library, and renovate Downtown Library, with annual audits and independent citizen oversight?"

_____ YES  _____ NO
SECTION 2. Object and Purpose of Bonds. The object and purpose of incurring the indebtedness is to finance the costs of constructing a new energy efficient, environmentally friendly library and community center at Mitchell Park and the costs of renovating and expanding Main Library and renovating Downtown Library, including enhancements at all three facilities for earthquake safety and disabled access, expanded space for library collections, meeting and study areas, and new air conditioning, ventilation and lighting systems. The foregoing improvements are referred to herein as the "Improvements". The City wishes to construct the Improvements because the present library and community center at Mitchell Park, and the Main and Downtown libraries, are inadequate to serve the needs of the citizens of the City.

SECTION 3. Estimated Cost of Improvements. The estimated cost of the portion of the costs of the Improvements to be paid for from the City’s general obligations bonds is seventy-six million dollars ($76,000,000). The estimated cost includes legal and other fees and the cost of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of bonds. The cost of constructing the Improvements in excess of $76,000,000 will be paid for from other funds of the City.

SECTION 4. Principal Amount of Bonds. The amount of the principal of the indebtedness to be incurred is not to exceed seventy-six million dollars ($76,000,000).

SECTION 5. Maximum Interest Rate. The maximum rate of interest to be paid on the indebtedness shall be twelve percent (12%) per annum.

SECTION 6. Issuance and Sale of Bonds. This City Council does hereby call a special municipal election on Tuesday, November 4, 2008, and submit to the qualified voters of the City, at said Special Municipal Election, the proposition set forth in Section 1 hereof. The City proposes to construct and complete the Improvements, and to issue and sell General Obligation Bonds of the City pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above, if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The bonds are to be general obligations of the City, payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 7. Consolidation; Manner of Conducting Election. That in all particulars not recited in this Ordinance, the election shall be held and conducted as provided by law for holding municipal elections. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Special Election on Tuesday, November 4, 2008, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 8. Procedure for Voting on Proposition. Ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the proposition on the ballot, in accordance with procedures to be adopted by the authorized officers of the County charged with conducting the election.
SECTION 9. Time and Place of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner required by law.

SECTION 10. Publication of Ordinance. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six days a week in the City, or once a week for two weeks in a newspaper printed, published and circulated less than six days a week in the City. The first of said publications shall, in either event, be within fifteen (15) days after the adoption of this ordinance. The City Clerk is hereby authorized and directed to make said publications and to transmit, for receipt no later than August 8, 2008, a certified copy of this Ordinance to the Board of Supervisors (the "Board of Supervisors") of Santa Clara County (the "County"), and a copy with the County Clerk of the County and the Registrar of Voters of the County.

SECTION 11. Canvassing Election Returns. The Board of Supervisors is hereby authorized to canvass the returns of said City Bond Election.

SECTION 12. Election Instructions. The Board of Supervisors is hereby requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the said consolidated elections.

SECTION 13. Accountability Requirements. As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included on the ballot for the Bonds, and the City Council covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the City’s Bond Measure “LIBRARY FACILITY, COLLECTIONS, SPACE, SAFETY IMPROVEMENT BOND” (the “Measure”):

a) The specific purpose of the bonds is to build a new Mitchell Park library and community center, expand and renovate Main library, and renovate Downtown library;

b) The proceeds from the sale of the City’s bonds will be used only for the purposes specified in the Measure, and not for any other purpose;

c) The proceeds of the Bonds will be deposited into a Library/Community Center Project Construction Fund to be held by the City; and

d) The Administrative Services Director of the City shall file an annual report with the City Council of the City, commencing not later than November 1, 2009, and annually thereafter, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the Library/Community Center project listed in the Measure.
In addition to those required measures, the City shall create a citizen’s oversight committee to monitor the projects and report to the City Council.

SECTION 14. Estimated Tax Rate. At this time, the best estimate from official sources of the tax rate required to be levied to fund the bond issue is $27 per $100,000 of assessed value.

SECTION 15. Reimbursement for Election Costs. That the City of Palo Alto recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 16. Ballot Form and Content. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 17. Actions and Materials Necessary for Conducting Election. That the City Clerk is authorized, instructed and directed to have the Santa Clara County Election Department procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. The City Manager is authorized to make changes to the ballot language as required by the County Clerk and/or Registrar of Voters.

SECTION 18. Election Polls. That the polls for the election shall be open at 7:00 o’clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o’clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 19. Ballot Arguments. Pursuant to Elections Code Section 10403, August 8, 2008 is be the deadline for submission to the Board of Supervisors by a local agency the ordinance or resolution requesting consolidation with the statewide election and any resolution or ordinance placing a measure on the November 4, 2008 ballot. Pursuant to Elections Code Section 9286 et. seq., August 13, 2008 at 5 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, any local measures on the ballot. If more than one argument for and/or against is received, the priorities established by Elections Code Section 9287 shall control.

SECTION 20. Rebuttal Arguments. The provisions of Elections Code Section 9285 shall control the submission of any rebuttal arguments. The deadline for filing rebuttal arguments shall be August 20, 2008 at 5 p.m.

SECTION 21. Impartial Analysis. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.
SECTION 22. Effective Date. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this City Council.

The above ordinance was introduced with the first reading waived at a regular meeting of the City Council on the 21st day of July, 2008, and passed and adopted at a regular meeting of said Council held on the 4th day of August, 2008, by the following vote:

INTRODUCED: July 21, 2008

PASSED: August 4, 2008

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

__________________________________________
City Clerk

__________________________________________
Mayor

APPROVED AS TO FORM:

__________________________________________
Deputy City Attorney

APPROVED:

__________________________________________
City Manager or designee

__________________________________________
Director of Administrative Services
TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: CITY MANAGER'S OFFICE
DATE: JULY 21, 2008 CMR: 321:08

SUBJECT: CONFIRMATION OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION FOR THE MITCHELL PARK LIBRARY AND COMMUNITY CENTER AND AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MAIN LIBRARY; INTRODUCTION OF AN ORDINANCE CALLING A SPECIAL ELECTION AND ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED DEBT FOR THE PURPOSE OF CONSTRUCTION AND COMPLETION OF A NEW MITCHELL PARK LIBRARY AND COMMUNITY CENTER, RENOVATION AND EXPANSION OF MAIN LIBRARY, AND RENOVATIONS TO DOWNTOWN LIBRARY TO THE QUALIFIED VOTERS OF THE CITY OF PALO ALTO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008; AND ADOPTION OF A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE CONSTRUCTION AND COMPLETION OF A NEW MITCHELL PARK LIBRARY AND COMMUNITY CENTER, RENOVATION AND EXPANSION OF MAIN LIBRARY, AND RENOVATIONS TO DOWNTOWN LIBRARY AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS

RECOMMENDATION

Staff recommends that Council:

1) Confirm approval of a mitigated negative declaration for improvements to the Mitchell Park Library and Community center and an addendum to the final Environmental Impact Report (EIR) for improvements to the Main Library.

2) Introduce an ordinance calling for a special municipal election on November 4, 2008 for the purposes of ordering the submission of a proposition incurring bonded debt to construct and complete a new Mitchell Park Library and Community Center, renovate and expand Main Library and renovate Downtown Library. The ordinance also includes direction to the City Attorney to prepare an impartial analysis of the measure.

3) Adopt a resolution determining that the public interest and necessity demand these improvements to Palo Alto's library system.

4) Designate up to four Council members to author the argument in favor of the measure.
BACKGROUND

Palo Alto libraries are an important community asset. They provide more than just books – they are a place for residents to learn and to gather and they enrich the culture of the City. The City Auditor recently determined that Palo Alto libraries are in the poorest condition when compared to libraries in ten surrounding communities. Significant upgrades are needed to complete improvements to Palo Alto’s branch libraries. Although approximately 2,500 people visit Palo Alto libraries daily, they are cramped, have poor lighting, and have no room for expansion of the collections or to add needed seating. They also lack community meeting spaces, group study and quiet reading areas.

Many residents in the community rely on Palo Alto libraries. Circulation and use of the libraries continues to increase. Last fiscal year, users checked out over a million and a half books, DVDs, and other items. The current libraries have served the community well over the decades. Fifty years ago, Palo Altans passed a bond measure to build a new Main Library and a branch library at Mitchell Park. However, current conditions don’t allow the libraries to offer the services and resources Palo Alto residents and young people deserve. For example, they were not designed to accommodate the variety of ways people now use libraries and they cannot support the collection expansion the community has identified as a priority. Just as the community has changed, the libraries must change to better meet the needs of residents. Today’s libraries must serve many functions beyond information resources: community gathering places for diverse programs and events, rooms for organizations to host meetings, spaces for people who want quiet study or contemplation, and spaces for small groups to study together.

For the past two years, the City Council has placed plans for enhanced library facilities and operations on the top priority lists. There have been substantial work efforts by the City Council, Library Advisory Commission (LAC), Parks & Recreation Commission and staff developing proposals for enhanced library and community center facilities and operations. The LAC met eleven times over seven months and extensively publicized these meetings to seek input into the Library Service Model Analysis and Recommendations (LSMAR) planning process. At four of these meetings, the LAC also reviewed and provided input on the library facilities study conducted by Group 4 Architecture to evaluate space needs and site options for the Mitchell Park Library and Community Center and space issues at Main and Downtown libraries. These efforts culminated in approval by Council of the LSMAR and Library Space Study in December of 2006.

On July 7, 2008, the Council reviewed the results of polling for a November 2008 bond measure and directed staff to prepare the necessary items for placing a measure on the ballot that would include improvements to the Mitchell Park Library/Community Center, Main Library, and Downtown Library.

DISCUSSION

Based on the Council’s direction on July 7, 2008, there are several procedural requirements for placing the measure on the ballot. First, the Council must adopt a resolution establishing the public interest in and necessity of completing the proposed project and an ordinance setting the
election date that also identifies the ballot question that will be presented to Palo Alto voters, the total amount of bonded indebtedness to be incurred, and the tax rate implications of the measure. The proposed ordinance and resolution are attached to this report as Attachments A and B. This ordinance also includes direction to the City Attorney to prepare an impartial analysis of the measure. Pursuant to Government Code section 43607, the ordinance must be introduced at one meeting and adopted at a subsequent meeting. Following the adoption of the ordinance by the Council on August 4, 2008, the City Clerk will file the appropriate paperwork with the County Registrar of Voters by August 8, 2008 to ensure that the measure appears on the November 4, 2008 ballot. Second, the Council must decide who will draft the ballot arguments in favor of the measure.

Ballot Question:

The ballot question may not exceed 75 words and should be presented in a clear and concise fashion so that it is clearly understandable to the electorate. The following language is suggested for the library bond:

| LIBRARY FACILITY, COLLECTIONS, SAFETY IMPROVEMENT BOND. To ensure seismic safety, enhance disabled access, provide additional space to expand library collections, add new children’s and group activity areas, replace outdated lighting, and provide proper ventilation and air conditioning systems, shall the City of Palo Alto issue bonds up to $76,000,000 to construct a new energy-efficient Mitchell Park Library and Community Center, expand and renovate Main Library, and renovate Downtown Library, with annual audits and independent citizen oversight? | YES | NO |

Based on Council direction on July 7, the bond measure will include the construction of a new approximately 51,000 square foot combined Mitchell Park Library and Community Center (built to LEED Gold green building standards), complete renovation and an approximately 4,000 square foot expansion of the Main library and a complete renovation of the Downtown library. The total project costs eligible for bond funding are approximately $73 million. With financing costs included, the total bond amount that would appear on the November ballot is $76 million. Based on these numbers, the best estimate of the tax rate for this bond measure is $27 per $100,000 of assessed property value.

Ballot Arguments:

In accordance with California Elections Code Section 9282, the City Council must determine whether it wishes to exercise its rights to author and sign ballot arguments regarding the measure. The final date for filing a direct argument is 5:30 p.m. on Wednesday, August 13, 2008 with the City Clerk. Direct arguments may not exceed 300 words and can not be changed or withdrawn after August 13, 2008.
Section 9287 of the Elections Code instructs the Clerk to select one argument in favor and one argument against a measure for printing and distribution to the voters. The arguments can be authored by a maximum of five eligible voters. If more than one argument for or more than one argument against the measure is received by the deadline, the City Clerk must select only one argument for and one against, giving preference and priority in the following order to:

1) the legislative body, or member/members of the legislative body authorized by that body;
2) the individual voters, or bona fide association of citizens, or combination of voters and associations, who are bona fide sponsors or proponents of the measure;
3) the bona fide association of citizens; or
4) individual voters who are eligible to vote on the measure.

In accordance with California Elections Code Section 9285, when an elections official receives an argument relating to a city measure, she shall send a copy of the argument in favor of the proposition to the authors of the argument against the measure and a copy of the argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments. The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not to exceed 250 words. The final date for filing a rebuttal argument with the City Clerk is 5:30 p.m. on Wednesday, August 20, 2008.

In general, no ballot argument shall be accepted unless it bears the name or names of the person or persons submitting it, or if filed by an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument. All arguments must be accompanied by the form statement required by California Elections Code 9600. The Elections Code also provides the method for the word count standard. Arguments may be withdrawn by their proponents at any time prior to and including the final date for filing arguments. An information sheet prepared by the City Clerk regarding measures along with the required forms is attached to this report (Attachment C).

City Attorney’s Impartial Analysis

The City Council may direct the City Attorney to prepare an Impartial Analysis of the measure. Direction to prepare such analysis is included in the attached ordinance. The analysis shall not exceed 500 words in length and is due to the City Clerk by 5:30 p.m. on August 20, 2008.

RESOURCE IMPACT

There are numerous financial challenges facing the General Fund, including the need for new revenue sources for facility and service enhancements. As stated in prior infrastructure studies and as policy approved by Council, new infrastructure efforts and new service levels require new revenue streams. As the Long Range Financial Forecast has demonstrated, there is very limited capacity to absorb any new expenses. Debt financing the capital costs envisioned by the LSMAR will require a fresh, ongoing revenue stream to finance the debt service.
Based on Council direction on July 7, the bond measure will include the construction of a new approximately 51,000 square foot combined Mitchell Park Library and Community Center (built to LEED Gold green building standards), complete renovation and an approximately 4,000 square foot expansion of the Main library and a complete renovation of the Downtown library. The total project costs eligible for bond funding are approximately $73 million. With financing costs included, the total bond amount that would appear on the November ballot is $76 million. Based on these numbers, the best estimate of the tax rate for this bond measure is $27 per $100,000 of assessed property value.

The potential construction of a new, larger Mitchell Park Library and Community Center will require an allocation of additional annual operating expenses, both from a facility maintenance and library/community center operations standpoint. Staff has worked to develop an estimated range of these anticipated annual operating costs, based on input from the Library, Community Services, Utilities and Public Works departments as well as the independent library consultant who has been working with Group 4 Architecture on these projects. These costs include the following: additional library and community center staff necessary for larger Mitchell Park facility (no more than 4 full time positions – three Library and one Community Center - as recommended by library consultant); new Public Works Facilities Mechanic position for building systems maintenance; custodial/maintenance costs; utility costs; library collection maintenance; public computer replacement; security system costs; and furniture replacement. The estimated annual cost for these items could range between $750,000 and $1.1 million. It is difficult to produce a definitive estimate because the buildings are still in the preliminary design phase. Additionally, based on the proposed construction schedules for the facilities, the total annual amount would not be required before FY2013/14, allowing for these costs to be phased in and evaluated over time.

The City has not provided the resources needed to maintain its existing infrastructure. Presently, Facilities Maintenance staff maintains a workload that requires that each person handle three times as much area per person as compared to industry standards. A recent report completed to quantify the City’s facilities needs recommended adding 4 facilities technicians (one of which has been budgeted for FY2008/09) and 12 temporary full-time equivalents to catch up with the maintenance and repair backlog. Since sufficient resources are not currently provided for existing facilities, additional facilities cannot be maintained without a corresponding increase in staff and operating expense.

Staff will also be evaluating the required library staffing levels pending the outcomes of the library technology plan. A report analyzing the benefits and costs of utilizing automated materials handling (AMH) systems and RFID technology in the libraries will be finalized within two months. A key recommendation of the draft report is that AMH technology be installed at Main, Children’s, and Mitchell Park libraries if the proposed bond measure passes. This will allow for some staff efficiencies and will support the projected rise in circulation at the improved libraries. While the cost to purchase AMH systems for Main and Mitchell Park is estimated at $700,000, the life span of this equipment is long – approximately 20 years.

Regardless of any potential offsets, there will be some additional level of annual operating and maintenance costs. To address these added costs, staff will need to evaluate potential service
reductions in the General Fund or look to future economic development tax revenues. If staff is unable to make service adjustments immediately, there is an option to use one-time money in the first few years of facility operations. Staff will continue to develop and refine a plan for addressing these added costs pending approval of a potential bond measure in November.

In addition to the ongoing operating and maintenance costs, there are costs associated with furnishing and equipping these new facilities that cannot be included in a bond measure. These costs include the furnishings, fixtures, and equipment for the facilities. The current estimate for these items is approximately $4.3 million (based on the May 19 presentation). The Palo Alto Library Foundation has discussed spearheading a fundraising campaign with other organizations to cover the costs of these items plus approximately $1 million for additional items for the collection. If this campaign does not raise all of the anticipated funds, the City would have to explore other one-time funding options for these costs.

**POLICY IMPLICATIONS**

This report is consistent with existing City policies and with the establishment of the Library Plan/Public Safety Building as a Top 4 priority for 2008.

**ENVIRONMENTAL REVIEW**

Typically, the types of environmental approvals at issue for the proposed library projects are handled by the Director of Planning and Community Environment, who has reviewed and approved the environmental review documents for the library improvement projects described in this report. However, given the scope and public interest in these projects, staff is also asking Council to confirm the Director of Planning and Community Environment’s approvals.

**Mitchell Park**

An Initial Study (IS) prepared for the proposed new Mitchell Park Library and Community Center analyzed the environmental impacts resulting from the project and identified mitigations that would reduce the impacts to a less than significant level. The Initial Study concluded that impacts associated with Aesthetics, Air Quality, and Hazardous Materials were potentially significant and required mitigation measures. Air Quality and Hazardous Materials impacts are construction-related and require mitigation only during construction. Best Management Practices set forth by the Bay Area Air Quality Management District (BAAQMD) will be incorporated in the project to meet air quality standards prescribed by the BAAQMD during construction. In order to ensure that removal of hazardous materials do not pose a hazard to either constructions workers or the public, safety protocols and best management practices for removal of any hazardous materials either in the buildings or the soil will be required. The aesthetic impact of removal of several mature trees will be mitigated by tree replacement and additional landscaping. Based on the analysis in the IS, a Mitigated Negative Declaration (MND) was prepared and circulated for a 20-day public review period beginning May 16, 2008 through June 5, 2008. Although an IS/MND had been prepared for the Mitchell Park Library and Community Center project in 2002 and the current project is significantly reduced in scope and impact from the 2002 concept, staff prepared a subsequent IS/MND rather than amend the
2002 IS/MND to provide an opportunity for public comment. The Director of Planning and Community Environment adopted the Mitigated Negative Declaration on June 6, 2008.

Main Library
A Final Environmental Impact Report (EIR) for the Main Library expansion (and the Art Center project) was certified on June 24, 2002. The 2002 FEIR covered the library expansion, from 26,000 square feet to 66,000 square feet, and Art Center expansion, from 29,000 square feet to 56,000 square feet. The project has now been modified to remove the Art Center expansion plans and considers instead a much smaller 4,000 square foot addition to the existing Main Library. In 2007, an Addendum (dated November 24, 2007) to the 2002 EIR was prepared to reflect the changes in the scope of the project. Based on the analysis in the Addendum, the Director of Planning and Community Environment has determined that the FEIR certified on June 24, 2002 provides adequate environmental clearance for the revised project and has approved the Addendum.

Since the proposed project would reduce the total square footage from the previously analyzed 66,000 square feet to 30,763 square feet and retain the integrity of the historic building, the Environmental Analysis reflected in the Addendum concludes no new impacts or mitigation measures are required by the proposed project. The impacts and mitigation measures from the 2002 EIR are the same or modified to a lesser degree to reflect the smaller project, as summarized below.

Biological Resources
The general impacts and mitigation measures from the 2002 EIR remain basically the same although reduced in scope. The impacts and mitigations have been slightly modified because of the reduction in the number of trees proposed for removal. Ten trees are now likely to be removed whereas the 2002 project anticipated 85-121 trees to be removed. Replacement of removed trees remains the mitigation measure.

Cultural Resources
Because the proposed project would not remove a building of historic significance (the Main Library), the significant and unavoidable impact that was identified in the 2002 EIR has been removed. The proposed project will be required to undergo review and approval by the Historic Resources Board and would be required by the City to be consistent with The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Thus, the impact of the proposed project on cultural resource values would be less than significant.
Downtown Library

The Downtown Library project is exempt for the California Environmental Quality Act, per section 15301, "Existing Facilities." The proposed renovations to the Downtown Library are limited to facility upgrades that will involve improvements related to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, and will involve negligible or no expansion of current use of the Downtown Library.

ATTACHMENTS
Attachment A: AN ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO CALLING A SPECIAL ELECTION AND ORDERING THE SUBMISSION OF A PROPOSITION OF INCURRING BONDED DEBT FOR THE PURPOSE OF CONSTRUCTION AND COMPLETION OF A NEW MITCHELL PARK LIBRARY AND COMMUNITY CENTER, RENOVATION AND EXPANSION OF MAIN LIBRARY, AND RENOVATIONS TO DOWNTOWN LIBRARY TO THE QUALIFIED VOTERS OF THE CITY OF PALO ALTO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008
Attachment B: RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE CONSTRUCTION AND COMPLETION OF A NEW MITCHELL PARK LIBRARY AND COMMUNITY CENTER, RENOVATION AND EXPANSION OF MAIN LIBRARY, AND RENOVATIONS TO DOWNTOWN LIBRARY AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS
Attachment C: Information sheet from the City Clerk regarding measures

PREPARED BY: ____________________________________________________________
Kelly Morariu
Interim Deputy City Manager

DEPARTMENT HEAD: _______________________________________________________
DIANE JENNINGS
Library Director

CITY MANAGER APPROVAL: ________________________________________________
FRANK BENEDET
City Manager
CITY OF PALO ALTO MEASURES/ORDINANCES

If 2/3's of the qualified voters voting on a proposed ordinance or measure vote in its favor, the ordinance or measure shall be a valid and binding ordinance of the city. The ordinance or measure shall be considered as adopted upon the date that the vote is declared by legislative body, and shall go into effect 10 days after that date.

The following are deadlines, established by the City Clerk, relating to any measure to appear on the November 4, 2008 ballot.

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 4, 2008</td>
<td>Last regularly scheduled City Council meeting at which a Special Election may be called.</td>
</tr>
<tr>
<td>August 13, 2008</td>
<td>Last day to file written arguments for or against a measure not to exceed 300 words. Direct arguments may not be changed or withdrawn after this date.</td>
</tr>
<tr>
<td>August 20, 2008</td>
<td>Last day to file, change, or withdraw rebuttal arguments not to exceed 250 words.</td>
</tr>
</tbody>
</table>

No more than five signatures shall be accepted on an argument. All signatures on arguments and any other related documents must be original signatures. Faxed or photocopied signatures will not be accepted. PAMC 2.40.080 does not allow the use of Board or Commission titles in ballot arguments.

Any signatory to rebuttal arguments must either have signed the original argument or be authorized in writing from the authors of the argument to
sign the rebuttal argument. The written authorization allowing a person to sign a rebuttal argument must be filed at the time of filing the rebuttal argument.

Text for arguments in the sample ballot pamphlets are printed single-spaced, full-justified, standard paragraph form. Only standard bullets (•) will be printed and non-standard bullets will be changed to standard bullets. You may bold, italicize and underline text.

Arguments are confidential until after the deadline for the filing of those arguments.
Guidelines for Counting Words

These guidelines are to aid you with computing the word count for arguments. The Registrar of Voters will make final determination. The author’s titles and signatures are not counted in the word count, only the text. Punctuation does not count as a word.

**WORD(S)**

**Dictionary words**

One

_The words “I”, “a”, “the”, “and”, etc. are counted as individual words._

**Abbreviations/Acronyms**

Examples: SJSU, PTA, U.S.M.C., S.J.P.D.

One

**Geographical names**

Examples: City of San Jose
          County of Santa Clara
          San Jose Unified School District

One

**Numbers/Numerical Combinations:**

Digits (1, 10, or 100, etc.)
Spelled out (one, ten, or one hundred)
50%, ½, etc.

One

One

One

**Numbers or letter used to identify a portion of text**

Examples: (1) or (a)

One

**Dates:**

All digits (01/01/04)
Words and digits (January 1, 2004)

One

Two

**Characters used in place of a word or number**

Examples: & or #

One

**Hyphenated words:**

_Hyphenated words that appear in any dictionary printed in the United States in the last 10 years shall be considered as one word. Each part of all other hyphenated words shall be counted as separate words._

Mother-in-law

One

One-half

Two
ARGUMENT FILER CHECKLIST

Have you completed or complied with the following?

- Authors meet criteria to sign
- Author’s title as signed meets criteria
- Check which criteria author is signing pursuant to
- Residential address completed if author meets eligible voter criteria to sign
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author’s name on name line
- Only author’s TYPED title on title line
- Author’s TYPED name exactly matches signed name
- Author’s gender circled
- All signatures are original signatures
- Contact information supplied
- Not more than 300 words
- File argument by deadline

REBUTTAL ARGUMENT FILER CHECKLIST

Have you completed or complied with the following?

- If different authors, submit written authorization
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author’s name on name line
- Only author’s title TYPED on title line
- Author’s TYPED name exactly matches signed name
- Author’s gender circled
- All signatures are original signatures
- Not more than 250 words
- Contact information supplied
- File rebuttal argument by deadline
ARGUMENT
DECLARATION BY AUTHOR(S) OR PROONENT(S)
(Elections Code § 9161, 9164, 9501; 9501.5, 9600)

The undersigned author(s) of the argument in favor of/against ballot measure ______ at the
(circle one) (letter)

___________________________________________ election for the ______________________________________
(title of election) (name of jurisdiction)
to be held on __________________________ hereby state that such argument is true and correct to the best
(date of election)
of __________________________ knowledge and belief.
(his / her / their)

1. __________________________
Signature Date
Residential Address
Type Title to Appear on Argument
Type Name as Signed Male/Female
Author meets criteria of: _____ Gov. Bd. Member _____ Principal Officer of Bona Fide Assoc. _____ Reg. Voter in Dist.

2. __________________________
Signature Date
Residential Address
Type Title to Appear on Argument
Type Name as Signed Male/Female
Author meets criteria of: _____ Gov. Bd. Member _____ Principal Officer of Bona Fide Assoc. _____ Reg. Voter in Dist.

3. __________________________
Signature Date
Residential Address
Type Title to Appear on Argument
Type Name as Signed Male/Female
Author meets criteria of: _____ Gov. Bd. Member _____ Principal Officer of Bona Fide Assoc. _____ Reg. Voter in Dist.

4. __________________________
Signature Date
Residential Address
Type Title to Appear on Argument
Type Name as Signed Male/Female
Author meets criteria of: _____ Gov. Bd. Member _____ Principal Officer of Bona Fide Assoc. _____ Reg. Voter in Dist.

5. __________________________
Signature Date
Residential Address
Type Title to Appear on Argument
Type Name as Signed Male/Female
Author meets criteria of: _____ Gov. Bd. Member _____ Principal Officer of Bona Fide Assoc. _____ Reg. Voter in Dist.

Contact Person Telephone # Fax #
SANTA CLARA COUNTY
REGISTRAR OF VOTERS

REBUTTAL ARGUMENT
DECLARATION BY AUTHOR(S) OR OTHER PERSON(S) AUTHORIZED BY AUTHOR
(Elections Code § 9164, 9167, 9504, 9600)

The undersigned author(s) of the rebuttal to the argument in favor of/against ballot measure ______ at the
(circle one) (letter)

__________________________________________ election for the ____________________________________________

(title of election) (name of jurisdiction)

to be held on __________________________________ hereby state that such argument is true and correct to the best

(date of election)

of __________________________________ knowledge and belief.

(his / her / their)

1. Signature ___________________________ Date ___________________________

   Type Title to Appear on Rebuttal ___________________________

   Type Name as Signed ___________________________ Male/Female

2. Signature ___________________________ Date ___________________________

   Type Title to Appear on Rebuttal ___________________________

   Type Name as Signed ___________________________ Male/Female

3. Signature ___________________________ Date ___________________________

   Type Title to Appear on Rebuttal ___________________________

   Type Name as Signed ___________________________ Male/Female

4. Signature ___________________________ Date ___________________________

   Type Title to Appear on Rebuttal ___________________________

   Type Name as Signed ___________________________ Male/Female

5. Signature ___________________________ Date ___________________________

   Type Title to Appear on Rebuttal ___________________________

   Type Name as Signed ___________________________ Male/Female

Contact Person ___________________________ Telephone # ___________________________ Fax #
SANTA CLARA COUNTY
REGISTRAR OF VOTERS

REBUTTAL SIGNER AUTHORIZATION

The author of an argument may sign the rebuttal argument or may authorize in writing any other person to author/sign the rebuttal argument. Below is a sample of written authorization that is required when the author of the argument does not sign the rebuttal argument but instead has another person sign in their place. All required signatures must be original signatures.

Date of Election ____________________________

As a signer on the Argument in favor of / against Measure _____ in the (circle one)

__________________________________________, I authorize

(Jurisdiction)

_________________________________________ to sign the rebuttal argument in my place.

(new rebuttal signer)

_________________________________________  __________________________

Signature                               Printed Name

Date of Election ____________________________

As a signer on the Argument in favor of / against Measure _____ in the (circle one)

__________________________________________, I authorize

(Jurisdiction)

_________________________________________ to sign the rebuttal argument in my place.

(new rebuttal signer)

_________________________________________  __________________________

Signature                               Printed Name